

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEARBORN GOLDEN
INVESTMENTS, L.L.C.,

Plaintiff,

Case No. 20-13115

v.

Hon. George Caram Steeh

UPPERCUT BROS., L.L.C.,
a Michigan limited liability company,
ABBAS BAZZY, an individual,
RY LANDSCAPING, L.L.C.,
a Michigan limited liability company,
and RANDY YOUHAN, an individual,
jointly and severally,

Defendants.

_____ /

ORDER GRANTING MOTIONS TO EXTEND SUMMONS
AND FOR ALTERNATE SERVICE (ECF NOS. 16, 17)

Plaintiff seeks to extend the summons and to effect service by alternate means on Defendants RY Landscaping, L.L.C., and Randy Youhan. RY Landscaping has a registered address at 3089 Charity Drive, Sterling Heights, Michigan 48310. RY Landscaping's designated agent is Randy Youhan, located at the same address. A process server attempted to serve these defendants on three occasions, to no avail. He states that "no one will come to the door although there has been activity in the residence." ECF No. 17-2.

Pursuant to Fed. R. Civ. P. 4(e), service on an individual may be made by “following state law” in the forum state. The Michigan Court Rules provide that an individual may be served by personal delivery or by certified mail, return receipt requested, and delivery restricted to the addressee. M.C.R. 2.105(A). A corporation may be served through its resident agent. M.C.R. 2.105(D). If service “cannot reasonably be made as provided by this rule, the court may by order permit service of process to be made in any other manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard.” M.C.R. 2.105(I).

Given the process server’s statement that someone appeared to be home at the Youhan residence but would not answer the door, it appears that service cannot reasonably be made in accordance with the court rules. Plaintiff proposes effecting service by posting, first-class mail, and certified mail. The court finds these methods are reasonably calculated to give Defendants actual notice of these proceedings and an opportunity to be heard. See *id.*; *Interstate Asphalt Holdings LLC v. Spry*, No. 20-CV-12755, 2020 WL 7338566, at *2 (E.D. Mich. Dec. 14, 2020).

Under the circumstances, the court finds it appropriate to extend the summons. See Fed. R. Civ. P. 4(m) (if a defendant is not served within 90 days, the court may “order that service be made within a specified time”);

Slenzka v. Landstar Ranger, Inc., 204 F.R.D. 322, 325-26 (E.D. Mich. 2001). Plaintiff shall serve Defendants a copy of the summons, complaint, and this order, by the following methods, within 45 days of the date of this order: (1) posting on the door of 3089 Charity Drive, Sterling Heights, Michigan 48310; (2) first-class mail to the same address; and (3) certified mail, return receipt requested, to the same address.

SO ORDERED.

Dated: February 24, 2021

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on February 24, 2021, by electronic and/or ordinary mail.

s/Brianna Sauve
Deputy Clerk